

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

JILL HINES, ET AL.,

Plaintiffs,

v.

ALEX STAMOS, ET AL.,

Defendants.

Civil Action No. 3:23-cv-00571

Chief Judge Terry A. Doughty

Magistrate Judge Kayla D. McClusky

**DEFENDANT THE ASPEN INSTITUTE’S NOTICE OF AUTOMATIC STAY OF
PROCEEDINGS PENDING APPEAL PURSUANT TO THE FEDERAL ARBITRATION
ACT, 9 U.S.C. § 16(a)**

NOW INTO COURT through undersigned counsel, comes defendant, The Aspen Institute (“Aspen”), to give notice that this case is automatically stayed pending Aspen’s appeal under 9 U.S.C. § 16(a) to the United States Court of Appeals for the Fifth Circuit from this Court’s Memorandum Order filed December 21, 2023 [Doc. #107], denying Aspen’s Motion to Compel Individual Arbitration and Stay Proceedings [Doc. #103].

After the other Defendants appealed from this Court’s denial of their motion to compel arbitration [Doc. #88], the Court entered an Order staying all proceedings under *Coinbase, Inc. v. Bielski*, 599 U.S. 736 (2023), and administratively terminating the case. Mem. Order [Doc. #92], p. 1. The same *Coinbase* stay applies here.

Under *Coinbase*, as this Court recognized, the filing of a notice of appeal from the denial of a motion to compel arbitration divests the district court of jurisdiction until the appellate

proceedings conclude. *Coinbase*, 559 U.S. at 740-41. Accordingly, the stay pending an appeal under Section 16(a) is “automatic,” not “discretionary,” *id.* at 746-47.

In addition, as this Court’s stay order with respect to the other Defendants recognized, Supreme Court precedent confirms that Aspen has the right to take an interlocutory appeal under 9 U.S.C. § 16(a)—triggering a *Coinbase* stay—even though Aspen is not a signatory to the underlying arbitration agreements. *See Arthur Andersen LLP v. Carlisle*, 556 U.S. 624, 627 (2009) (explaining that under Section 16(a)’s “clear and unambiguous terms, *any litigant* who asks for a stay under § 3 is entitled to an immediate appeal from denial of that motion—regardless of whether the litigant is in fact eligible for a stay [under § 3]”) (emphasis added).

For the reasons stated above, and by operation of law, Aspen gives notice that this case is automatically stayed in its entirety under *Coinbase*. Aspen respectfully requests that the Court direct parties to meet and confer once appellate proceedings have concluded to jointly propose a new briefing schedule.

Dated: December 22, 2023

Respectfully submitted,

By: /s/ Elizabeth M. Carmody
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of December, 2023, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will provide notice of electronic filing to the attorneys for all parties.

/s/ Elizabeth M. Carmody
Elizabeth Mendell Carmody